

Order

Michigan Supreme Court
Lansing, Michigan

March 29, 2016

Robert P. Young, Jr.,
Chief Justice

150967-8

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 150967
COA: 324218
Wayne CC: 13-008112-FC

DESHAWN LEE STARKS,
Defendant-Appellant,

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 150968
COA: 324219
Wayne CC: 13-011034-FC

DESHAWN LEE STARKS,
Defendant-Appellant,

On order of the Court, the application for leave to appeal the December 11, 2014 orders of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND these cases to the Wayne Circuit Court to determine whether the court would have imposed materially different sentences under the sentencing procedure described in *People v Lockridge*, 498 Mich 358 (2015). On remand, the trial court shall follow the procedure described in Part VI of our opinion. If the trial court determines that it would not have imposed the same sentence absent the unconstitutional constraint on its discretion, it shall resentence the defendant. In all other respects, leave to appeal is DENIED because we are not persuaded that the remaining question presented should be reviewed by this Court.


We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 29, 2016


Clerk